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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,608	01/23/2006	Pere Teixidor Casanovas	931.1351	2824
21831	7590	06/23/2009		
Cozen O'Connor 250 PARK AVENUE NEW YORK, NY 10177			EXAMINER WELCH, GARY L	
			ART UNIT 3765	PAPER NUMBER
			NOTIFICATION DATE 06/23/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/565,608	Applicant(s) CASANOVAS, PERE TEIXIDOR	
	Examiner SHAWN M. BRADEN	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/23/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 recites the limitation "the zone" in line 2. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 13 objected to under 37 CFR 1.75(c) as being in improper form because a claim cannot depend on itself. Accordingly, claim 13 is assumed to depend from independent claim 1 and it treated as such for this communication.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 10, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldrop (USPN 391,852) in view of Jorgensen (USPN 3,941,301).

Waldrop discloses the invention substantially as claimed.

With respect to claim 1, Waldrop shows a base (11) a lid (13) a rim (16), a c-shaped cavity (shown well in fig .2 at lead line 17), a complementary flange (the periphery of 13), the lid made of cardboard (col 3 line 9),

With respect to claim 2, said rim (16) which defines a c shape is on the base (11) shown in (fig. 2)

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With respect to claim 10, on the lid only, the outside foil (col 3 lines 9-11) meets the structure and recitation of an external layer of thermally insulating material on the lid.

With respect to claim 12, the outside edge of the lid (13) coincides substantially with the internal edge of the base (11) said flange fitting inside said c-shaped cavity (shown well in fig. 2)

However Waldrop does not disclose the base is formed of at least one layer of cardboard.

Jorgensen teaches a base with a layer of cardboard (6) on the stiffener this cardboard also meets the structure and recitation of an external thermally insulating material in claim 10, in the same field of endeavor for the purpose of having a cardboard sidewall with the added strength of layer 9.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a layer of cardboard to the base of Waldrop as taught by Jorgensen in order to have the strengths such as heat retention and stiffness of both of the layers.

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldrop in view of Jorgensen as applied to claim 1 in further view of Nordland (USPN 7,124,910).

Waldrop in view of Jorgensen as applied above discloses the invention substantially as claimed. Waldrop shows the flange has an opening (39) adjacent to its opening means (24).

However Waldrop in view of Jorgensen as applied above does not disclose the lid has a sloping sidewall with and orifice with the flange has a cut-out adjacent to said orifice.

Nordland teaches it is know to have a lid has a sloping sidewall with and orifice (82) (shown well in fig. 2) in the same field of endeavor for the purpose of adding a grip to open a container.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a raised lid having a sloping sidewall with and orifice in order to have a grip on a raised lid.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waldrop in view of Jorgensen in view of Holden (USPN 3,938,726).

Waldrop in view of Jorgensen as applied to claim 1 discloses the invention substantially as claimed.

However Waldrop in view of Jorgensen as applied to claim 1 does not disclose complementary projections on the base or lid.

Holden teaches a variety of complementary projections including (23 and 27 shown well in fig. 10) in the same field of endeavor for the purpose of stacking and connecting containers.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add complementary projections to Waldrop in view of Jorgensen as applied to claim 1 as taught by Holden in order to store stacked containers in a neat and orderly fashion.

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7. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldrop in view of Jorgensen in view of Flaherty (USPN 3,301,465).

Waldrop in view of Jorgensen as applied to claim 1 discloses the invention substantially as claimed.

However Waldrop in view of Jorgensen as applied to claim 1 does not disclose the lid includes a series of cuts defining a tongue.

Flaherty teaches a series of cuts (20) defining a tongue (between a pair of cuts) in the lid in the same field of endeavor for the purpose of removing the lid easier.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add cuts as taught by Flaherty to the lid of Waldrop in view of Jorgensen as applied to claim 1 in order to remove the lid easier.

8. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldrop in view of Jorgensen as applied to claim 1 in view of Storms (USPN 5,402,930).

Waldrop in view of Jorgensen as applied to claim 1 discloses the invention substantially as claimed. Waldrop in view of Jorgensen show the lid of Waldrop covered with foil except for the rim (fig. 3 shows the top and fig. 6 shows the bottom) and Jorgensen shows a base in fig. 3 of Jorgensen covered by layer (6) except for the flange (14).

However Waldrop in view of Jorgensen as applied to claim 1 does not disclose both the lid and the base comprise a layer of corrugated cardboard.

Storms teaches both the lid and the base (shown well in figs 5) have a layer of corrugated cardboard in the same field of endeavor for the purpose of protecting food.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use corrugated cardboard for the base and lid of Waldrop in view of Jorgensen as applied to claim 1 as taught by Storms in order to protect the contents of the container.

9. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldrop in view of Jorgensen as applied to claim 1 in view of Storms (USPN 5,402,930).

Waldrop in view of Jorgensen as applied to claim 1 discloses the invention substantially as claimed. Waldrop shows the lid (13) comprises a cardboard layer coved with foil (col 3 line 9-11) the inner foil meets the recitation of an internal layer of anti grease material. Waldrop in view of Jorgensen also shows the lid of Waldrop covered with foil except for the rim (fig. 3 shows the top and fig. 6 shows the bottom) and Jorgensen shows a base in fig. 3 of Jorgensen covered by layer (6) except for the flange (14).

However Waldrop in view of Jorgensen as applied to claim 1 does not disclose both the base comprise internal layer of anti grease material.

Storms teaches the base has an internal layer of anti grease material (col 10 line 54) in the same field of endeavor for the purpose of protecting food.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add anti grease material to the base of Waldrop in view of

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Jorgensen as applied to claim 1 as taught by Storms in order to protect the contents of the container.

10. Claims 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldrop in view of Jorgensen as applied to claims 1 and 10, the references further show the lid of Waldrop covered with foil except for the rim (fig. 3 shows the top and fig. 6 shows the bottom) and Jorgensen shows a base in fig. 3 of Jorgensen covered by layer (6) except for the flange (14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M. BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. M. B./
Examiner, Art Unit 3781

/GARY L. WELCH/
Supervisory Patent Examiner, Art Unit 3765